



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TRG
Docket No: 7873-99
17 May 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) Case Summary
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Naval Reserve applied to this Board requesting, in effect, that she be reinstated in the Naval Reserve.

2. The Board, consisting of Mr. Zarnesky, Ms. Gilbert and Ms. Hardbower, reviewed Petitioner's allegations of error and injustice on 16 May 2000 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Petitioner's application was filed in a timely manner.

c. Petitioner reenlisted in the Naval Reserve on 3 August 1991 for six years. On 31 January 1997 at the end of her anniversary year she had completed over 16 consecutive qualifying years for reserve retirement. The six year reenlistment expired on 2 August 1997. Although she was discharged on 2 August 1997 the annual statement of service history, issued on 26 March 1998, shows that she was credited with a qualifying year for retirement in the anniversary year ending 31 January 1998. At that time, she was credited with 17 years, 1 month and 27 days of service for reserve retirement.

d. Petitioner was apparently unaware that she had been discharged because in 1998 she submitted correspondence courses worth 56 retirement points. These correspondence courses were graded and course completion certificates were issued. In May

1999 she received a discharge certificate in the mail showing that she had been honorably discharged retroactive to 2 August 1997. The reason for the delay in the issuance of the discharge certificate is unknown.

e. Petitioner notes that she had not been notified of the expiration of her enlistment, had not been given an opportunity to extend or reenlist, and was receiving correspondence course completion certificates. She contends, in effect, that she was unaware that her enlistment had expired.

e. Attached to enclosure (1) is an advisory opinion from the Director, Navy Reserve Personnel Administration Division, Navy Personnel Command. The advisory opinion recommends that no change be made in Petitioner's naval record. However, the opinion points out that she is qualified for reenlistment and suggests that she contact a reserve recruiter. This advisory opinion was sent to her, but she has not responded.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board notes that Petitioner should have realized that her enlistment would expire on 2 August 1997, but believes she may have forgotten. However, the Board also notes that she was not notified of the approaching expiration of her enlistment and did not receive notification of her August 1997 discharge until May 1999. Given the lack of timely notification, the Board believes that it was not unreasonable for her to believe she still had status in the Naval Reserve. Accordingly, it appears that she completed the correspondence courses in good faith. Since she would have been extended or reenlisted if she had requested it, the Board concludes that the record should be corrected to allow her credit for the correspondence courses she completed in 1998.

The Board believes that the best way to accomplish this action is to correct the record to show that she extended her enlistment. As soon as she has status, she can be administratively credited with the retirement points. Concerning the length of the extension, the Board believes that the maximum term of four years is appropriate. With this action, she can earn the last two qualifying years she needs for reserve retirement without further reenlistment in the Naval Reserve. If she has reenlisted, as suggested in the advisory opinion, the record can be corrected to show that she extended her enlistment, and was honorably discharged the day before the reenlistment. In either case, the record will show that she has continuous service.

The Board further concludes that this Report of Proceedings should be filed in Petitioner's naval record so that all future reviewers will understand her status in the Naval Reserve.

RECOMMENDATION:

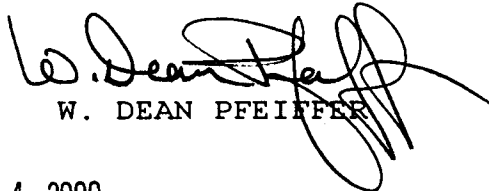
- a. That Petitioner's naval record be corrected to show that that she was not discharged from the Naval Reserve on 2 August 1997, but extended her six year enlistment of 3 August 1991 for a period of four years.
- b. Alternatively, if Petitioner has reenlisted, the record should be corrected to show that she was not discharged on 2 August 1977 but extended her enlistment for four years, and was discharged the day prior to the reenlistment.
- c. That this Report of Proceedings be filed in Petitioner's naval record.
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder




ALAN E. GOLDSMITH
Acting Recorder

5. The foregoing report of the Board is submitted for your review and action.



W. DEAN PFEIFFER

Reviewed and approved: JUN 14 2000



CHARLES L. TOMPKINS
Deputy Assistant Secretary of the Navy
(Personnel Programs)